### United States Court of Appeals for the Second Circuit



**APPENDIX** 

## 76-100

To be argued by SHEILA GINSBERG

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

-against-

JOHANNES PRESCOTT,

Appellant.

Docket No. 76-1009

APPENDIX TO APPELLANT'S BRIEF

ON APPEAL FROM A JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK



WILLIAM J. GALLAGHER, ESQ., THE LEGAL AID SOCIETY, Attorney for Appellant JOHANNES PRESCOTT FEDERAL DEFENDER SERVICES UNIT 509 United States Court House Foley Square New York, New York 10007 (212) 732-2971

SHEILA GINSBERG, Of Counsel.

THE UNITED STATES  THE UNITED STATES  POR U.S.:  John Timbers, AUS/ 791-1984  Robert Jamieson, III. Cts.1-5  JOHNNNES PRESCOTT-1.2.66.3  For Defendant:  For D		CRIMINAL DOC 3T D STATES DISTALCT	COURT	c ·	MAI		75 CR	IM.	4:	51
THE UNITED STATES  US.  John Timbers, AUS.  791-1984  Rohert Jamieson, III. Ccs.1-5  2. JOHANNES PRESCOTT-1.2.66.3  For Defendant:  For Defendant:  For Defendant:  For Defendant:  For Defendant:  For Defendant:  State of State of State of State of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States of Appeal to the U.S.C.A. 2nd Circuit For Defendant States application to proceed on Appeal to the U.S.C.A. 2nd Circuit For Defendant States application to proceed on Appeal to the U.S.C.A. 2nd Circuit For Defendant States application to proceed on Appeal to the U.S.C.A. 2nd Circuit For Defendant States application to proceed on Appeal to the U.S.C.A. 2nd Circuit For States application to proceed on Appeal to the U.S.C.A. 2nd Circ	D. 0. 2	TIT	LE OF CASE	<u>U</u>	AICH	TUIT				
IERRY BRANTON, a/k/a Jerry Wright, a/k/a		THE UN	TTED STATES				For U.S.:			
IERRY BRANTON, a/k/a Jerry Wright, a/k/a			vs.						AUS	
"Rohert Jamieson, III. Cts.1-5  2. JOHANNES PRESCOTT-1.2.66 2 3  For Defendant:  For Defendant:    For Defendant:	1. JERRY	BRAXTON, a/k/a J	Jerry Wright.	a/k	la_				AUS	
(07) STATISTICAL RECORD COSTS DATE NAME OR RECORD COSTS  J.S. 2 mailed Clerk  J.S. 3 mailed Marshal  Violation Docketfee  Title 21:846 Consp. to viol. Fed. Narco. Laws. (Ct.1) 21:812 841(a).(1).(b). Distr. & possess Wintent  Exact to distr. Cocaine. III. (Cts.2-4) 18:924(c)(2) Posses, of firearm dur. commission of felony. (Ct.5) 18:1202(a)(1) Receipt of firearm by felon. (Ct.6)  (Six Counts)  DATE  PROCEEDINGS  5-6-/5 Fifed indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atry. present) Pleads not guilty. Motions returnable in days. Ball fixed at \$5,000. P.R.B. co-signed by family. Case ass:  to Judge MacMahon for all purposes. Watt. J.  5-12-75 Piled Pitff's Notice of Readiness for Trial as soon as the natter can be reach by the Court.  5-27-75 Total Notice of Readiness for Trial as soon as the natter can be reach by the Court.  1. DEBTY BRITTON Filed Deft's Notice of Appeal to the U.S.C.A. 2nd Circuit the Pinal Judgment dated July 1h, 1975. Deft's application to proceed on Appeal in Forms Pauperis is CRINTED, 30 ORDERED. MacMAHON, J. (Comp. mailed to Deft & the Pinal Judgment dated July 1h, 1975. Deft's application to proceed on Appeal in Forms Pauperis is CRINTED, 30 ORDERED. MacMAHON, J. (Comp. mailed to Deft & the Pinal Judgment dated July 1h, 1975. Deft's application to proceed on Appeal in Forms Pauperis is CRINTED, 30 ORDERED. MacMAHON, J. (Comp. mailed to Deft & the Pinal Judgment dated July 1h, 1975. Deft's Application to proceed on Appeal in Forms Pauperis is CRINTED. 30 ORDERED. MacMAHON, J. (Comp. mailed to Deft & the Pinal Judgment dated July 1h, 1975. Deft's Application to proceed on Appeal in Forms Pauperis is CRINTED. 30 ORDERED. MacMAHON, J. (Comp. mailed to Deft & Deft's Appeal to the U.S.C.A. 2nd Circuit for the Pinal P		Rober	t Jamieson,	III.	Ct	s.1-5				
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Violation  Docket fee  Pitte 21:846 Consp. to viol. Fed. Narco. Laws. (Ct.1)  21:812,841(a).(1).(b). Distr. & possess. w/intent  Exx to distr. Cocaine.TI.(Cts.2-4)  18:924(c)(2) Possess. of firearm dur. commission of felony. (Ct.5)  18:1202(a)(1) Receibt of firearm by felon. (Ct.6)  (Six Counts)  DATZ  PROCEEDINGS  F: led indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assist of Judge MacMahon for all purposes. Wyatt.J.  5-12-75 Piled Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Court.  5-27-15 COSANUS PURSONTE Piled Deft's Acknowledgement of his constitutional rights.  JERRY REALTONE Filed Deft's Notice of Appeal to the U.S.C.A. 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appearance of Pages in Forms Pauperis is CRINTED. SO ORDERED MacMAHON,J. (Comp mailed to Deft & Deft's Indicator to proceed on Appearance in Forms Pauperis is CRINTED. SO ORDERED MacMAHON,J. (Comp mailed to Deft & Deft's Indicator to proceed on Appearance in Forms Pauperis is CRINTED. SO ORDERED MacMAHON,J. (Comp mailed to Deft & Deft's Indicator to proceed on Appearance in Forms Pauperis is CRINTED. SO ORDERED MacMAHON,J. (Comp mailed to Deft's Indicator to Deft's	•							1	Z	
Title 27:846 Consp. to viol. Fed. Narco. Laws. (Ct.1)  21:812,841(a),(1),(b). Distr. & possess. w/intent  First to distr. Cocaine TU. (Cts.2-4)  18:924(c)(2) Posses, of firearm dur. commission of felony. (Ct.5)  18:1202(a)(1) Receipt of firearm by felon. (Ct.6)  (Six Counts)  PROCEEDINGS  5-6-70 F: led indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assito Judge MacMahon for all purposes. Wyatt. J.  5-12-75 Pilad Pltff's Notice of Readiness for Trial as soon as the matter can be reach by the Commission of the Commission of Proceed on Appearance of Appeal to the U.S.C.A., 2nd Gircuit for the Final Judgment dated July 11, 1975. Deft's application to proceed on Appearance of Appeal to the U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appearance of	J.S. 3 maile	<u>ad</u>	Marshal	-	-			1	-	2
Title 21:846 Consp. to viol. Fed. Narco. Laws. (Ct.1)  21:812,841(a).(1).(b). Distr. & possess. w/intent  Example to distr. Cocaine III. (Cts.2-4)  18:924(c)(2) Posses. of firearm dur. commission of felony. (Ct.5)  18:1202(a)(1) Receipt of firearm by felon. (Ct.6)  (Six Counts)  PROCEEDINGS  5-6-75 Filed indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assite Judge MacMahon for all purposes. Wyatt. J.  5-12-75 Piled Pltff's Notice of Readiness for Trial as soon as the matter can be reach by the Commission of the Commission of the U.S.C.A., 2nd Gircuit for the Final Judgment dated July 11, 1975. Deft's application to proceed on Appein Forms Property is GPANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & JOHANNES PESSCOTT- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appein Forms Pauperis is GPANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & JOHANNES PESSCOTT- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appein Forms Pauperis is CRIMTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & De	Violation		Docket fee					1	V	A
21:812.841(a).(1).(b). Distr. & possess. w/intent  Rex to distr. Cocaine. II.(Cts.2-4)  18:924(c)(2) Posses. of firearm dur. commission of felony. (Ct.5)  18:1202(a)(1) Receipt of firearm by felon.(Ct.6)  (Six Counts)  PROCEEDINGS  5-6-75 F: led indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assit Judge MacMahon for all purposes. Wyatt.J.  5-12-75 Filed Pltff's Notice of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be reach by the Commission of Readiness for Trial as soon as the matter can be		216 2 12 12 15				12				
18:924(c)(2) Poscess, of firearm dur. commission of felony. (Ct.5)  18:1202(a)(1) Receibt of firearm by felon. (Ct.6)  (Six Counts)  PROCEEDINGS  5-6-75 Filed indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assito Judge MacMahon for all purposes. Wyatt. J.  5-12-75 Piled Pltff's Notice of Readiness for Trial as soon as the matter can be reach by the Commit.  5-27-75 JERRY HPLYTON- Piled Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit from the Final Judgment dated July 11, 1975. Deft's application to proceed on Appein Forms Pauperis is GPANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Johannes Pauperis is CRANTED. SO	21:8	812,841(a),(1),(1)	b). Distr. &	nos	ess.	w/inte	nt .	1		
18:1202(a)(1) Receipt of firearm by feldn.(Ct.6)  (Six Counts)  DATE  PROCEEDINGS  5-6-75 F: led indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea. Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assist of Judge MacMahon for all purposes. Wyatt. J.  5-12-75 Piled Pltff's Notice of Readiness for Trial as soon as the matter can be reach by the Comrt.  5-27-75 COSANIES PRINCENT Piled Defts acknowledgement of his constitutional rights.  1. INTRY PRINCENT Piled Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit from the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appein Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Final Judgment dated July 1h, 1975. Deft's application to proceed on Appein Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mailed to Deft at Forms Pauperis is GRANTED. SO ORDERED MacMARCH.J. (Comp mail	_ fox to	distr. Cocaine, I	II. (Cts.2-4)			1			V	
(Six Counts)  DATE  PROCEEDINGS  5-6-75 Filed indictment.  5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea. Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assist to Judge MacMahon for all purposes. Wyatt, J.  5-12-75 Piled Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Court.  5-27-75 ICKINICS PRICOTT- Filed Defts acknowledgement of his constitutional rights.  7-11-75 JERRY HPAKTON- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit for the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appein Forms Process is GPANTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Judgment dated July 1h, 1975. Deft's application to proceed on Appein Forms Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Judgment dated July 1h, 1975. Deft's application to proceed on Appein Forms Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED. MacMAHON, J. (Comp mailed to Deft & Terral Pauperis is CRUNTED. SO ORDERED.	18:	)24(c)(2) Posces	s. of firear	hy	feld	mmissio	n of felon	g (Ct)	5)	1
5-6-/3  Filed indictment.  5-12-75  Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assito Judge MacMahon for all purposes. Wyatt, J.  5-12-75  Piled Pltf's Notice of Readiness for Trial as soon as the matter can be reach by the Court.  5-27-75  CSINNES PROCOTT- Filed Deft's acknowledgement of his constitutional rights.  7-11-75  JERRY HEATTON- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit from the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appeal in Forms Pauperis is GPANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Final Judgment dated July 1h, 1975. Deft's application to proceed on Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Application to proceed on Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Application to proceed on Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft's Deft's Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Deft		202(a)(1)	DE OF TITE	0,	Ier	h. (cc.	)		1	N
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5-12-75 Jerry Braxton- No appearance. B/W ordered. Court directs entry of guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assito Judge MacMahon for all purposes. Wyatt, J.  5-12-75 Piled Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Court.  5-27-75 CSENNES PRINCE Piled Defts admowledgement of his constitutional rights.  7-11-75 JERRY EPARTON- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit for the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appear in Forma Pauperis is GPANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & The Final Judgment dated July 1h, 1975. Deft's application to proceed on Appear in Forma Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDERED MacMAHON J. (Comp mailed to Deft & Long Pauperis is CRANTED. SO ORDE		Tiled indictmer			ROCEEL	INGS		1	and a	~
guilty plea.  Prescott(atty. present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assito Judge MacMahon for all purposes. Wyatt, J.  5-12-75  Piled Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Commit.  5-27-75  ICHANNES PRINCE Filed Defts acknowledgement of his constitutional rights.  7-11-75  JERRY HRANTON- Filed Deft's Notice of Appeal to the U.S.C.i., 2nd Circuit from the Final Judgment dated July 11:, 1975. Deft's application to proceed on Appear in Forma Pauperis is GRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & The Final Judgment dated July 11:, 1975. Deft's application to proceed on Appear in Forma Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft's Pauperis is CRANTED. SO ORDERED MacMAHON J. (Comp mailed to Deft's Pauperis Paupe										(1
Prescott(atty, present) Pleads not guilty. Motions returnable in days. Bail fixed at \$5,000. P.R.B. co-signed by family. Case assito Judge MacMahon for all purposes. Wyatt, J.  5-12-75 Filed Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Court.  5-27-75 Filed Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Court.  5-27-75 JERRY EPAYTON- Filed Defts acknowledgement of his constitutional rights.  7-14-75 JERRY EPAYTON- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit for the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appear the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appear the Final Judgment dated July 1h, 1975. Deft's application to proceed on Appear in Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft &	5-12-75	Jerry Braxton-	No appearance	ce. T	B/W o	ordered.	Court dire	ects e	entr	Y OF
Filed Pitff's Notice of Readiness for Trial as soon as the matter can be reach by the Commit.  5-27-75		quilty plea.								
Filed Fits Notice of Readiness for Trial as soon as the matter can be reach by the Commit.  5-27-75		days. Bail fix	ed at \$5,000	. P.	R.B.	co-sign	ed by fami	ly. C	pre	in
by the Court.  5-27-75  105ANNES PERSCOTT Filed Defts acknowledgement of his constitutional rights.  7-11-75  JERRY HPAYTON Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit from the Final Judgment dated July 11, 1975. Deft's application to proceed on Appeal in Forma Pauperis is GPANTED. SO ORDERED MacMAHCH, J. (Copy mailed to Deft &U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appeal in Forma Pauperis is CPANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft & Deft		to Judge MacMa	hon for all p	purp	oses.	Wya	tt,J.			
by the Court.  5-27-75  ICHANNES TERROR Filed Defts acknowledgement of his constitutional rights.  7-11-75  JERRY HPAYTON- Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit from the Final Judgment dated July 11, 1975. Deft's application to proceed on Appeal in Forma Pauperis is GPANTED. SO ORDERED MacMAHCH, J. (Copy mailed to Deft &U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appeal in Forma Pauperis is CPANTED. SO ORDERED MacMAHCH, J. (Comp mailed to Deft & In Forma Pauperis is CPANTED. SO ORDERED MacMAHCH, J. (Comp mailed to Deft & In Forma Pauperis is CPANTED. SO ORDERED MacMAHCH, J. (Comp mailed to Deft & In Forma Pauperis is CPANTED. SO ORDERED MacMAHCH, J. (Comp mailed to Deft & In Forma Pauperis is CPANTED.	C-12-75	Blad Pitff's Not	on of Readines	for	mod a	2 22 3000	as the matt	7.00		
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7-11-75  JOHANNES PRESCOTT Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appearing Forms Pauperis is CRANTED. SO ORDERED MacMAHON, J. (Comp mailed to Deft &	7-14-15	the Final Judgment dated July 11, 1975. Deft's application to proceed on Appendix								
7-11-75 JOHANNES PRESCOTT Filed Deft's Notice of Appeal to the U.S.C.A., 2nd Circuit the Final Judgment dated July 11, 1975. Deft's application to proceed on Appein Forms Pauperis is CRANTED. SO ORDERED - MacMAHON, J. (Comp mailed to Deft &		in Forma Pauperi	s is GPANTED. SC	ORT	ERED	MacMAEC	H.J. (Copy ma	iled to	Def	t &U.
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in Forms Pauperis is COANTED. SO ORDERED - MacMAHON, J. (Comp mailed to Deft &	t=111=+2	the Final Judgmen	nt dated July 14	1. 197	75. De	eft's appl	lication to p	proceed	on A	Anneal
		in Forma Pauperis	is COUNTED. SO	ORD	ERED.	MacMAHO	I.I. (Comp ma	iled to	Def	+ & A
(Cont'd on Page #2)		-					70		-	

DATE	PROCEEDINGS
-1 <u>L-75</u>	JEHRY BRAYTON Filed Judgm. and Commitment Ords: The Deft is hereby committed to the custody of the Atty General for imprisonment for a period of FIVE (5) YEARS on each of CODES 1 & 2 to run concurrently with each other. Pursuant to the provisions of Title 21, Section 841 U.S.C., the Deft is placed on SPECIAL PAROLE for a period of THREE (3)
	motion of Deft's counsel with the consent of the Government. —MacMAHON, J.
-14-75	JOHANNES PRESCOTT- Filed Judgment and Commitment Order- The Deft is hereby committed to the custody of the Atty General for imprisonment for a period of FIVE (5) YEARS on COUNT 2. Pursuant to the provisions of Title 21. Section 841. U.S. Code, the Deft is placed on SPECIAL PAROLE for a period of THREE (3) YEARS, to commence upon expiration of confinement. COUNTS 1.3. and 6 are DISMISSED on motion of Deft's counsel with the consent of the Government. MacMAHON, J.
18-75	Filed transcript of record of proceedings, dated Jul 14, 1975
13-1)	viled transcript of record of proceedings dated if MI
18.75	Filed transcript of record of proceedings, dated May 27, 1975
i-75	TERRY BRAYMON Biled matica that the
	JERRY BRAKTON- Filed notice that the or inal record on appeal has been certified and transmitted to the U.S.C.A. for the 2nd Circuit.
0-75	JOHANNES PRESCOTT Biled notice that the
	JOHANNES PRESCOTT Filed notice that the supplemental record on appeal has been certified and transmitted to the U.S.C.A., for the second circuit.
1-75	JURRY RPAYTON- Mailed original cja Copy #1 to the A.O., Wash., D.C. for payment-MacMAHON
7-75	JOHANNES PRESCOTT- Mailed original CJA Copy #1 to the A.O., Wash., D.C. for
	payment,MacMAHON, I
7-75	JOHANNES PRESCOTT= Filed CJA Appointment of Counsel, Robert Mitchell, 51 Chambers St. NYC 10007 Tel #W0-2-0675.
3-75	JERRY BRAXTON_Fled commitment & entered return Dett delivered to Warden, Fed. DET. HORTS, N.Y.C. ON 7-14-75
3-75	JOHANNES PRESCOTT_Filed commitment & entered beturn, Deft delivered to Warden, Fed. Det.  HQRTS, Nyc. ON 7-14-77
2-75	JERRY BRAXTON The Commitment & entered return, Daft dedvered to Springfield Medical
0	Center at Springfield, Mo, on 8-22-75.
3-75	JOHANNES PRESCOTTFiled commitment & entered return, Daft defivered to Springfield Medical Center at Springfield, Mo., on 8-22-75.
21-75	JOFANNES PRESCOTT- Filed Deft's affdyt and Notice of Motion for an order pursuant to Rule 35 for a Reduction Sentence.
75	JOHANNES PRESCOTT-Filed deft's motion for defts counsel to examine pre-sertence Report.
-75	MacMahon, J.
22-75	JOENANES PRESCOTT-Filed Order that US Dept of Prob. for the SD of NY permit Steila Ginsberg. Esq. to examine the pre-sentence invest. report on deft. J. Presscott MacMahon, J. mm

DATE	PROCEEDINGS
11-13-75	TOHANNES PRESCRIPT- Filed MEMO ENDORSEMENT on Deft's Notice of Motion & Affdyt
	for an order surguent to Rule 35 for a reduction of Sentence. Motion GRANTED to
	the extent that the sentence heretofore imposed on Johannes Prescott on July 14.
	1075 on Indiatont #75 CR 151 is VacatedThe United States Attorney is hereby
	directed to produce Deft. Prescott before the undersigned for resentencing, on or
	hafore Movember 25, 1975, at 10:00 A.M. The presentence report is available for
	examination by defense Counsel in the Chambers of the undersigned at any convenient
	time. SO ORDERED MacMAHON, J. (Copy to Legal Aid)
11-25-75	JERRY FRANTON = Filed Deft's acknowledgement of his constitutional rights.
11-25-75	JERRY BRAXTON= Filed letter of Edward S. Panzer, Deft's Attorney, dated June 2,
-11-23-13	1975 to Judge MacMahon regarding the withdrawal of Deft's plan.
11-19-75	JOHANNES PRESCOTT Filed Govt's affdyt of John Timbers for w/b/c - Writ is med, ret. on 11-25-75.
	JOHANNES PRESCOTT= Filed true copy of order from USCA that motion
	of 10-20-75 to withdraw the appeal for the purpose
	of filing a Rule 35 motion is grantedClerk m/n
11 05 75	JERRY BRAXTON= Filed notice that supplemental record on appeal has
11-25-75	been Certified & transmitted to the USCA.
12-5-75	Filed True Copy of Order from USCA that judgment from the USDC
12-3-13	is affirmedClerk Judgment Ent. 12-5-75,
	Clerk. m/n
12-10-75	JOHANNES PRESCOTT=Filed Judgment & Commitment Order. The Def't is
12-10-73	committed to the Atty Gen for imprisonment for a period
	of FIVE (5) YEARS ON COUNT 2. Pursuant to the provisions
	of Title 21, U.S.C., Sec. 841, the Def't is placed on
	SPECIAL PAROLE for a period of THREE (3) YEARS, to
	commence upon expiration of confinement. Counts 1,
	3 & 6 of Indictment 75 Cr. 451 were dismissed on motion of Deft's counsel, with the consent of the Gov't, on
	of Deft's counsel, with the consent of the Gov L, on
	July 14, 1975MAC MAHON, J
12 17 75	JOHANNES PRESCOTT= Filed Endorsement & Order (Attached to CJA Form 21).
12-17-73	Def't was resentenced on 12-10-75, upon his plea
	of milter to Count ? Prescott by his attorny.
	now applies for a free transcript of the sentencing
	minutes of that date, for preperation of an appeal.
	The degree of punishment imposed within the statu-
	tory limits is left to the discretion of the judge.
	The sentence is well within the statutory maximum,
	& therefore, is not appealable. Accordingly the
	application is denied as frivolousMAC HAHON, J
70.17	JOHANNES PRESCOTT= Filed notice of appeal to the USCA from the
12-17-75	JUHANNES PRESCUIT FITED HOLICE OF appear to the obox from the
1	Judgment entered 12-10-75. Copy mailed to Sheila Ginsberg, Legal Aid Society, Federal
	Defenders Services Unit, Rm. 509, U.S. Court House,
	40 Foley Square, New York, N.Y. 10007. Copy mailed

DATE	PROCEEDINGS				
	to Johannes Prescott % Shalls	Ginsberg, Legal Aid Society, Federal Service Unit, Rm 509, 40 Foley Square, N.Y. 10007.			
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK JUDGE MAC MAHON 75 CRIM. 451

UNITED STATES OF AMERICA,

-V-

JERRY BRAXTON, a/k/a "Jerry Wright," a/k/a "Robert Jamieson, III" and JOHANNES PRESCOTT.

INDICTMENT

75 Cr.

MAY 6 1975

Defendants.

### COUNT ONE

The Grand Jury charges:

- and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York, JERRY BRAXTON, a/k/a "Jerry Wright," a/k/a "Robert Jamieson, III," and JOHANN'S PRESCOTT, the defendants, and Joanne Thomas, named herein as a commonspirator but not as a defendant, and others to the Grand Jury unknown, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.
- 2. It was part of said conspiracy that the said defendants unlawfully, intentionally and knowingly would distribute and possess with intent to distrib te Schedule I and II narcotic drug controlled substances the exact amount thereof being to the Grand Jury unknown in violation of Sections 812, 841(a)(1) and 841 (b)(1)(A) of Title 21, United States Code.

MICROFILM

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York:

- 1. In or about July 26, 1974 the defendants

  JERRY BRAXTON and JOHANNES PRESCOTT met with another person
  in the vicinity of 81st Street and Amsterdam Avenue, New
  York, New York.
- 2. In or about July 28, 1974 the defendants

  JERRY BRAXTON and JOHANNES PRESCOTT met with another person

  at Davey's Bar, 81st Street and Amsterdam Avenue, New York,

  New York.
- 3. In or about November 12, 1974 the defendant JERRY BRAXTON handed a plastic bag to another person at 111 West 77th Street, New York, New York.

(Title 21, United States Code, Section 846)

### COUNT TWO

The Grand Jury further charges:

On or about the 26th day of July 1974 in the Southern District of New York, JERRY BRAXTON, a/k/a "Jerry Wright," a/k/a "Robert Jamieson III," and JOHANNES PRESCOTT, the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately 57.50 grams of cocaine hydrochloride.

(Title 21, United States Code, Sections 812 841 (a)(1) and 841 (b)(1)(A), and Title 18, United States Code, Section 2)

### COUNT THREE

The Grand Jury further charges:

On or about the 28th day of July 1974 in the Southern District of New York, JERRY BRAXTON, a/k/a "Jerry Wright," a/k/a "Robert Jamieson, III," and JOHANNES PRESCOTT, the defendants, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute a Schedule II narcotic drug controlled substance, to wit, approximately 24.67 grams of cocaine hydrochloride.

(Title 21, United States Code, Sections 812 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2)

### COUNT FOUR

The Grand Jury further charges:

On or about the 12th day of November 1974 in the Southern District of New York, JERRY BRAXTON, a/k/a "Jerry Wright," a/k/a "Robert Jamieson III," the defendant, unlawfully, intentionally and knowingly did distribute and possess with intent to distribute, a Schedule II narcotic drug controlled substance, to wit, approximately 47.71 grams of cocaine hydrochloride

(Title 21, United States Code, Sections 812 841(a)(1) and 841(b)(1)(A).

(Title 21, United States Code, Sections 812 841(a)(1) and 841(b)(1)(A).

### COUNT FIVE

The Grand Jury further charges:

On or about the 12th day of November 1974 in the Southern District of New York, JERRY BRAXTON, a/k/a "Jerry Wright," a/k/a "Robert Jamieson, III," the defendant, unlawfully, wilfully and knowingly did carry a firearm, to wit, a .38 caliber Detective Special revolver, serial number C14097, during the commission of a felony for which he may be prosecuted in a court of the United States, to wit the felony alleged in Count Four of this indictment.

(Title 18, United States Code, Section 924(c)(2)).

### COUNT SIX

The Grand Jury further charges:

On or about the 3rd day of December 13.74 in the Southern District of New York, JOHANNES PRESCOTT, the defendant, being then and there a person who had been convicted on or about February 27, 1973 by a Court of the State of New York, to wit, the New York Supreme Court, New York County, of the felony of possession of dangerous drugs in the fourth degree, unlawfully, wilfully and knowingly did receive and possess in commerce and affecting commerce a firearm, to wit, a .22 caliber RG-14 revolver, serial number 249544.

FOREMAN

PAUL J. CURRAN

United States Attorney

Mr. Gril

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SOUTHERN DISTRICT OF NEW YORK

United States Bistrict Court

THE UNITED STATES OF AMERICA

JERRY BRAXTON, a/k/a "Jerry Wright", a/k/a "Robert Jamieson, III" and JOHANNES PRESCOTT,

Defendants.

## INDICTMENT

(18, USC, §§ 2, 924(c)(2) & 1202(a)(1) and 21, USC, §§ 812, 841(a)(1), 841(b)(1)(A) & 846)

United States Attorney PAUL J. CURRAN A TRUE BILL are hory 15cel 4.

STATE OF THE COL FPI-69-1-13-70-20M"-4025 MAY -6 1975 15 0. OF N Y.

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Courted of the grand of the second of the se Edward. 2 Pangain) Johnson on at 1 m Byt penderices 25 gens on at 1 m met son the the the year. July 14, 1975. Deft. Juny Brogism (2, 30 dey) -

### CERTIFICATE OF SERVICE

Dorach 3 , 19/6

I certify that a copy of this brief and appendix has been mailed to the United States Attorney for the Southern District of New York.

Steile Sivoten